

Claim Rejections – 35 USC 103**Guo et al.**

Claims 1-3, 5-11, 12-20, 23-24, 26, 28, 30-32, 35-37, 39-47, and 49-50 17-18, 26-30, and 43-44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Guo et al., U.S. 6,713,539.

The claims have been amended, where indicated, to change the phrase "consisting essentially of" to "consisting of". Thus, no new search is required to consider such claims since they do not raise new that would require further consideration and/or search.

Guo does not disclose or suggest Applicants' invention of using metal salts such as Zinc Oxide in about 0.05 wt% up to about 5 wt% in order to increase the compatibility of an asphalt and polymer composition to acceptable standards, **without the use of an organic polar compound as required** in Guo et al.

In fact, Guo teaches against Applicants' invention. Guo states that: "[t]he addition of the cross-linking reagent during the mixing of the asphalt/polymer mother liquor permits the polymer in a good dispersion state to *carry out the linking reaction with the organic polar compound in asphalt*." (Emphasis added; See Col. 7, lines 7-10).

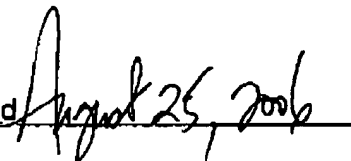
Also, while the ***comparative Example 1*** in Table 3 of Guo shows the preparation of asphalt without the use of a polar solvent, it requires the use of a polysulfide – namely cycloheptathiaimine alkylphenol (see Col. 3, lines 63-65). However, that formulation was found to be unstable – and therefore is unsuitable (see Col. 9, lines 21-40).

In short, Applicants' invention uses metal salts instead of polysulfides or polar compounds to increase the compatibility of the asphalt and polymer composition. Therefore even in view of Guo, Applicants' invention is unobvious and patentable.

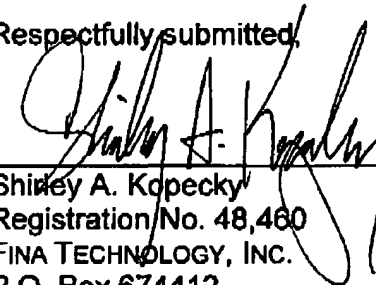
This is intended to be a full and complete response to the Office Action dated June 28, 2005, having a shortened statutory period for response set to expire on August 28, 2006.

Having addressed all issues set out in the Office Action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request the same.

Dated


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Respectfully submitted,



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